

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRELL L. MC GHEE,

Defendant.

}

8:09CR31

ORDER

Defendant Terrell L. McGhee (McGhee) appeared before the court on March 4, 2016, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 124). McGhee was represented by Assistant Federal Public Defender Kelly M. Steenbock and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. Through his counsel, McGhee waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). The Petition alleges probable cause and McGhee should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp. The government moved for detention. A detention hearing was scheduled for March 7, 2016.

On March 7, 2016, McGhee appeared before the court with his counsel Ms. Steenbock. The government was represented by AUSA Kangior. McGhee presented Exhibit 100, a disposal document of the state court charges, and proffered he had obtained employment next week with McDonald's, would enroll in an anger management class, would reside with his mother and abstain from any contact with the victim in this case, and would wear an ankle monitor. It is McGhee's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community. Given McGhee's poor performance on supervised release in the past, the court finds McGhee has failed to carry his burden. McGhee should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on May 12, 2016**. Defendant must be present in person.

2. Defendant Terrell L. McGhee is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 7th day of March, 2016.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge